

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

AVRAHAM EISENBERG,

Plaintiff,

v.

NUMERIS LTD.; SASHA IVANOV; and
DOES 1-10,

Defendants.

Civil Action No. 3:22-cv-01325

**PLAINTIFF'S SUBMISSION IN RESPONSE
TO COURT'S ORDER (DKT. 53) FILED JUNE 12, 2024**

Plaintiff Avraham Eisenberg respectfully submits this response to the Court's June 12, 2024 Order (Dkt. 53), requesting information as to what actions have been taken to diligently prosecute the above-captioned action without delay. For the reasons set forth below, Mr. Eisenberg maintains that he has prosecuted this action to the most diligent extent possible given the substantial obstacles he has encountered since commencing the litigation, which include (i) Eisenberg's confinement in federal custody since December 27, 2022, and (ii) Defendants' repeated evasion of service of process. Although Eisenberg continues to be the subject of criminal proceedings, he has recently completed trial and intends to continue prosecuting this case aggressively.

As an initial matter, communication between Eisenberg and counsel continues to be marked by delay. Eisenberg is still confined in the Metropolitan Detention Center, Brooklyn (MDC Brooklyn), and his access to means of communication is limited and can be, at times, unpredictable. Further, both video and audio calls are subject to monitoring, limiting counsel's ability to fully discuss this civil matter. As the Court is aware, the Government filed a Notice

as Intervenor in this case (Dkt. 44), and it has an ongoing interest in monitoring Eisenberg's allegations and their factual underpinnings.

Moreover, attempts to serve the defendants have been hindered by the fact that they are overseas entities whose interactions with Eisenberg were digital. The only exception is Corbital LLC, which Eisenberg did successfully serve. The other overseas defendants have been far harder to track down, as they were known to Eisenberg primarily from their email addresses, which provide little clue as to their physical locations. For this reason, Eisenberg previously requested leave to serve these defendants via email (Dkt. 2 at 16–22), but this request was denied.

Importantly, under the Federal Rules of Civil Procedure, the 90-day time limit for service does not apply to service of these foreign defendants. Fed. R. Civ. P. 4(m); *see also Afunday Charters, Inc. v. Spencer Yachts, Inc.*, No. CV163141GAGSCC, 2018 WL 10878065, at *2 (D.P.R. June 11, 2018) (“Rule 4(f) governs the service of process in a foreign country, but does not set a specific time frame for completing service.” (citing *Mapping Your Future, Inc. v. Mapping Your Future Services, Ltd.*, 266 F.R.D. 305, 308 (D.S.D. 2009))). Despite this fact, Eisenberg has been working to try to locate these defendants and serve them as expeditiously as possible. Specifically, Eisenberg has diligently worked to gather additional information about these defendants, Sasha Ivanov and Numeris Ltd. On information and belief, both of these international parties remain evasive and have taken steps to remain unreachable:

- Sasha Ivanov has a listed address associated with Corbital LLC in Florida, but that address leads to a restaurant. An independent investigator has determined that he is a Russian citizen, and that he lives in Dubai, United Arab Emirates.

An address provided for him, however, is a commercial address—not residential. On information and belief, he regularly travels internationally, moving between the United Arab Emirates, France, and additional countries. Counsel has recently received additional information which may assist in determining a mailing address sufficient for international service.

- Numeris Ltd., on information and belief, operates the Vires website. According to the Terms of Service on that website, “Numeris Ltd.” is “a Seyshelles Limited Liability Company with registration number 230885.”¹ No search results may be located on the Republic of Seychelles’s website for either Numeris or the purported registration number.² In addition, no information can be publicly obtained with respect to the ownership of the domain name vires.finance. The domain name registration information indicates that NameCheap, Inc. is the registrar.³ This information further indicates that remaining information pertaining to Numeris—or the other defendant Does—has been “Redacted for Privacy.”⁴ Subpoenas to GitHub and Medium returned no further information to determine the mailing address of this defendant or even confirm its existence as a legal entity.

Again, Eisenberg has been working to try to locate these defendants and serve them.

¹ *Terms of Use*, VIRES.FINANCE, <https://docs.vires.finance/g1/terms-of-use> (last updated Feb. 10, 2022).

² Seychelles Government, *Search Business & Company*, SEYGOCONNECT, <https://www.registry.gov.sc/BizRegistration/WebSearchBusiness.aspx> (entering “Numeris” populates no results) (last visited Sept. 19, 2022).

³ Vires.finance, *WhoIs Information*, WHO.IS, <https://who.is/whois/vires.finance> (last updated on May 23, 2022).

⁴ *Id.*

If the Court is willing to reconsider its denial of Eisenberg's request to serve these defendants by email in light of defendants' evasiveness, Eisenberg would be able to serve them quickly. If not, counsel understands and will continue in their ongoing efforts to locate these defendants for service.

Eisenberg has today filed a Motion for Entry of Default as to Corbital LLC, and is reviewing materials provided by an investigator with the intent of securing service as to these two remaining international defendants. Although the 90-day time limit for service does not apply to service of a defendant in a foreign country as per Federal Rule of Civil Procedure 4(m), Eisenberg appreciates the importance of maintaining forward motion in this matter and fully intends to prosecute this case.

Dated: June 20, 2024

RESPECTFULLY SUBMITTED,

Dunlap Bennett & Ludwig PLLC

By: s/ Cortland C. Putbrese
Cortland C. Putbrese
Puerto Rico Federal Bar No. 305708
6802 Paragon Place, Suite 410
Richmond, Virginia 23230
Tel. 804.977.2688
Fax 804.977.2680
cputbrese@dbllawyers.com

Scale LLP

James H. Creedon, *pro hac vice*
Texas Bar No. 24092299
5473 Blair Road, Suite 100
Dallas, Texas 75231
Tel. 972.850.6864
Fax 972.920.3290
jcreedon@scalefirm.com

ATTORNEYS FOR PLAINTIFF
AVRAHAM EISENBERG

Certificate of Service

I certify that on June 20, 2024, the foregoing document has been filed with the Clerk via the Court's CM/ECF system and served on all counsel of record who are deemed to have consented to electronic service.

By: s/ Cortland C. Putbrese
Cortland C. Putbrese
Puerto Rico Federal Bar No. 305708
Dunlap Bennett & Ludwig PLLC
6802 Paragon Place, Suite 410
Richmond, Virginia 23230
Tel. 804.977.2688
Fax 804.977.2680
cputbrese@dbllawyers.com